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10/562,704	06/28/2006	Thomas Ringel	095309.57224US	3745

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EXAMINER

KONG, SZE-HON

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3661

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/562,704	Applicant(s) RINGEL ET AL.	
	Examiner SZE-HON KONG	Art Unit 3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4,7 and 11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4,7 and 11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 3/6/2009 have been fully considered but they are not persuasive.

On page 6 of the Applicant's Response, Applicant argues the control access taught by Berstis is contained on a smart card and it is required to be inserted into a reader within the vehicle and does not allow for different security levels for controlling access from a remote location.

The Examiner respectfully disagrees with the Applicant. Berstis is not limited to only provide the security level data contained within a smart card, but can also be stored in the system memory. Also, Berstis shows that systems are known to be adjustable remotely from a central location, for example, a service center. In fact, one of the main problems of prior systems that Berstis solved is to reliably identify authorized users for distinguishing user with authority to adjust crucial systems to safe guard the operation of a vehicle on these systems (see background). It would be impractical and is not taught by Berstis to limit the improved system to be operable only at a local level (see col. 3, line 62 – col. 4, line 17). Acquiring vehicle pre-set and/or modifying configuration remotely is known in the art, for example, cited reference Videtich as understood by the Applicant.

On page 6 and 7 of the Applicant's Response, Applicant argues "the functionality of first portion of the motivation... ...and it would not be necessary to further

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modify this combination by Berstis...” and “Berstis provides restricted access to safety modules... ..this combination would result in locally restricted access within the vehicle.”

The Examiner respectfully disagrees with the Applicant. While it is not understood by the Examiner how the Applicant reach the rationale to determine the necessity to further modify a combination of the cited inventions, the rejection is viewed based on the combination of the teachings and features disclose by the references. The motivation to combine the references is to provide a system with user configurable system with restrictions that limits users in access to critical system that can affect the safety operation of the vehicle. Please see above explanation in regards to restricting access to the vehicle locally.

2. Applicant's arguments with respect to claims 7 and 11 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Geisler et al. (6,882,906), Videtich (US2003/0144005) and Berstis (6,198,996).

For claim 4, Geisler discloses a method for providing telematics services for vehicles, wherein data is interchanged without the use of wires between a stationary service control center and a plurality of telematics control elements in the vehicle (Col. 1, lines 26-32 discloses data provided by remote servers using a wireless network, Col. 4, lines 53-67, Col. 3, lines 51-67 and col. 8, lines 1-18, where the data is interchanged through a wireless network), wherein each of the plurality of telematics control elements are modules, the method (Col. 4, lines 1-18) comprising the steps of: receiving a input or data from the service control center to activate or deactivate at least one of the modules, wherein each of the modules autonomously execute different telematics functions (Abstract, col. 1, line 65 - col. 2, line 10, col. 3, lines 51-67 and col. 5, lines 48-63); and individually configuring, based on the input, said at least one of the modules to activate or deactivate the at least one of the modules (Col. 2, lines 34-42 and Col. 3, lines 51-67); the modules are classified on the based on criteria, with the classification being linked to a restriction to the capability to configure the modules (Col. 4, lines 19-34, where restrictions to the modification of the modules are classified).

Geisler does not specifically disclose vehicle user input or configuring functions based on data from the service control center and the criteria relate to driving safety, and modules related to safety are modifiable only by the stationary service control center. Videtich discloses modifying each of said control elements using at least one of said data interchanging and vehicle user input (Paragraph 0038) and configuring modules based on data from the service control center (Paragraph 0039-0040). Berstis discloses systems and subsystems in vehicles can be adjusted remotely from a central

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location (Col. 1, lines 28-42), a wireless network communication interface for interchange data to and from the central fleet server (Col. 3, lines 62-66) and security levels for access authority to adjust preference settings of systems in vehicle, such as Safety system, engine performance system and theft deterrence and recovery system (Col. 4, line 64 - col. 5, line 5). It is obvious that such authority can be assigned by the central fleet. It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the invention of Geisler to modify each of said control elements using at least one of said data interchanging and vehicle user input and data from the service control center, taught by Videtich and allow safety modules/systems to be adjustable only by assigned authority, taught by Berstis for real time control elements adjustment locally and/or remotely and restrict access to critical elements such as safety modules to proper authorities.

2. Claims 7 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Geisler et al. (6,882,906), Videtich (US2003/0144005), Berstis (6,198,996) and Kapolka et al. (US 2005/0085963).

For claim 7, Geisler discloses a method for providing telematics services for vehicles, wherein data is interchanged without the use of wires between a stationary service control center and a plurality of telematics control elements in the vehicle (Col. 1, lines 26-32 discloses data provided by remote servers using a wireless network, Col. 4, lines 53-67, Col. 3, lines 51-67 and col. 8, lines 1-18, where the data is interchanged through a wireless network), wherein each of the plurality of telematics control elements

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are modules, the method (Col. 4, lines 1-18) comprising the steps of: receiving a input or data from the service control center to activate or deactivate at least one of the modules, wherein each of the modules autonomously execute different telematics functions (Abstract, col. 1, line 65 - col. 2, line 10, col. 3, lines 51-67 and col. 5, lines 48-63); and individually configuring, based on the input, said at least one of the modules to activate or deactivate the at least one of the modules (Col. 2, lines 34-42 and Col. 3, lines 51-67).

Geisler does not specifically disclose vehicle user input or configuring functions based on data from the service control center, the configuration of the at least one of the modules also includes the inputting, editing or deletion of function parameters, the criteria relate to driving safety and function parameters of the modules are modifiable only by the stationary service control center, and the modules are arranged in functional groups that are reconfigurable by the user. Videtich discloses modifying each of said control elements using at least one of said data interchanging and vehicle user input (Paragraph 0038) configuring modules based on data from the service control center (Paragraph 0039-0040) and the configuration of the at least one of the modules also includes the inputting, editing or deletion of function parameters (Paragraph 0040).

Berstis discloses systems and subsystems in vehicles can be adjusted remotely from a central location (Col. 1, lines 28-42), a wireless network communication interface for interchange data to and from the central fleet server (Col. 3, lines 62-66) and security levels for access authority to adjust preference settings of systems in vehicle, such as Safety system, engine performance system and theft deterrence and recovery system

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(Col. 4, line 64 - col. 5, line 5). It is obvious that such authority can be assigned by the central fleet. Berstis also discloses modules arranged in functional groups that are reconfigurable by the user (Fig. 3-9 and col. 5, lines 20-29, 38-61, where the user may select desired parameters to adjust the functions of subsystems and the parameters can be manually updated by the user for each subsystems for a particular function or it can be adjusted autonomously as groups according to user options). Kopolka discloses a highly user customizable in vehicle system having a command-map module that maintain a map within an access-layer application that forms relationships and associations between one or more functions of vehicle applications, functional groups of modules (Paragraph 0063). It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the invention of Geisler to modify each of said control elements using at least one of said data interchanging and vehicle user input and data from the service control center, taught by Videtich and allow safety modules/systems that are arranged in functional groups to be adjustable by users and/or by authorities, taught by Berstis for real time control elements adjustment locally and/or remotely and restrict access to critical elements such as safety modules to proper authorities.

For claim 11, Geisler discloses a method for providing telematics services for vehicles, wherein data is interchanged without the use of wires between a stationary service control center and a plurality of telematics control elements in the vehicle (Col. 1, lines 26-32 discloses data provided by remote servers using a wireless network, Col.

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4, lines 53-67, Col. 3, lines 51-67 and col. 8, lines 1-18, where the data is interchanged through a wireless network), wherein each of the plurality of telematics control elements are modules, the method (Col. 4, lines 1-18) comprising the steps of: receiving a input or data from the service control center to activate or deactivate at least one of the modules, wherein each of the modules autonomously execute different telematics functions (Abstract, col. 1, line 65 - col. 2, line 10, col. 3, lines 51-67 and col. 5, lines 48-63); and individually configuring, based on the input, said at least one of the modules to activate or deactivate the at least one of the modules (Col. 2, lines 34-42 and Col. 3, lines 51-67); and the modules are classified based on criteria, with the classification being linked to a restriction to the capability to configure the modules (Fig. 2, col. 2, lines 33-43 and col. 4, lines 19-34).

Geisler does not specifically disclose vehicle user input or configuring functions based on data from the service control center, the configuration of the at least one of the modules also includes the inputting, editing or deletion of function parameters and based on the classification, certain of the modules are configurable by the user or the service control center and other of the modules are configurable only by the service control center. Videtich discloses modifying each of said control elements using at least one of said data interchanging and vehicle user input (Paragraph 0038) and configuring modules based on data from the service control center (Paragraph 0039-0040) and the configuration of the at least one of the modules also includes the inputting, editing or deletion of function parameters (Paragraph 0040).

Berstis discloses systems and subsystems in vehicles can be adjusted remotely from a central location (Col. 1, lines 28-42), a wireless network communication interface for interchange data to and from the central fleet server (Col. 3, lines 62-66) and security levels for access authority to adjust preference settings of systems in vehicle, such as Safety system, engine performance system and theft deterrence and recovery system (Col. 4, line 64 - col. 5, line 5). Berstis also discloses users may fall into one or more security levels, for example, low level security, master level security, administrator, service attendant where varying levels of security allow users having different access priorities to access only the systems authorized according to the users' security level (Col. 4, lines 18-34). It is obvious that the varying security levels, which include administrator, service attendant refers to users with higher access priorities that can have access to control more control system, modules and users with low level security, for example an operator might have access to control non-critical systems. Kapolka discloses user interface extensions that allow users to configure desire functional module (Paragraph 0052) and applications contain functionality for policy processing for certain services and modules based on policy decision criterion (Paragraph 0048). It is obvious that this policy processing include rules to determine the configurability of the different modules corresponding to the policy. It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the invention of Geisler to modify each of said control elements using at least one of said data interchanging and vehicle user input and data from the service control center, taught by Videtich and allow certain modules/systems to be adjustable by users and

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assigned authority according to their security levels, taught by Berstis for real time control elements adjustment locally and/or remotely and restrict access to critical elements such as safety modules to proper authorities.

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SZE-HON KONG whose telephone number is (571)270-1503. The examiner can normally be reached on 7:30AM-5PM Mon-Fri, Alt. Fri. Eastern Time.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

4/28/2009

/SZE-HON KONG/
Examiner, Art Unit 3661

/Thomas G. Black/
Supervisory Patent Examiner, Art Unit 3661